

**Before the
Federal Communications Commission
Washington, D.C. 20554**

**In the Matter of the Rules and Regulations Implementing the Telephone
Consumer Protection Act of 1991**

CG Docket No. 02-278

**Comments of Jay Connor on the Request for Clarification of Call Assistant
LLC**

Over the years, I have received dozens of telephone calls with prerecorded messages that are made to sound as if you are speaking to a live person. The technology referred to by Call Assistant works in several ways. Some of these calls have programmed responses, some sound as if they are manipulated by a live technician. They are more invasive and annoying than traditional prerecorded messages because they often mislead the called party into believing they are speaking to a live person. I rarely was able to identify the calling parties, make a Do Not Call request or even make sense of the responses. The system would often disconnect if I asked a question that indicated I was not interested in the product or service there were selling. They violate the fundamental privacy rights the TCPA intends to protect; specifically the section that regulates prerecorded messages.

I respectfully submit that the statute did not grant the FCC the authority to exempt this type of prerecorded message from the statute. The TCPA grants

the Commission the authority to exempt prerecorded calls if it “will not adversely affect the privacy rights that this section is intended to protect; and do not include the transmission of any unsolicited advertisement.” This type of technology is often more frustrating and invasive to the called parties than the other types of prerecorded messages. It is usually deceptive and rarely works as it is described by those entities that seek its approval.

Allowing this type of technology would blur the line for pro se litigants who already face the challenge of explaining the TCPA to judges who may not be familiar with it. The TCPA is a remedial consumer protection statute and I urge the FCC to interpret it in such a way to protect the rights of the consumers it intends to protect, not allow those who seek to continue to call people who don’t wish to be bothered with any type of prerecorded message calls.